

EXHIBIT D

Fwd: Triage agreement and CBA-related discovery

Claudia Wilner <wilner@nclej.org>

Wed 12/6/2023 3:36 PM

To: Matt Parham <mparham@wnylc.net>

Claudia Wilner (she/her)
Director of Litigation and Advocacy
NCLEJ

Get [Outlook for iOS](#)

From: Sahasrabudhe, Peter A. <PSahasra@hodgsonruss.com>

Sent: Friday, December 1, 2023 9:00 AM

To: Claudia Wilner <wilner@nclej.org>; Freely, Cheyenne N. <cfreely@hodgsonruss.com>; Russ III, Hugh M. <HRuss@hodgsonruss.com>

Cc: Anjana Malhotra <malhotra@nclej.org>; jjoachim@cov.com <jjoachim@cov.com>; cezie <cezie@ccrjustice.org>

Subject: RE: Triage agreement and CBA-related discovery

Please send a formal request for production.

We don't consent to an additional deposition.

--Peter

From: Claudia Wilner <wilner@nclej.org>

Sent: Friday, December 1, 2023 8:52 AM

To: Sahasrabudhe, Peter A. <PSahasra@hodgsonruss.com>; Freely, Cheyenne N. <cfreely@hodgsonruss.com>; Russ III, Hugh M. <HRuss@hodgsonruss.com>

Cc: Anjana Malhotra <malhotra@nclej.org>; jjoachim@cov.com; cezie <cezie@ccrjustice.org>

Subject: Triage agreement and CBA-related discovery

External Email - Use Caution

Peter and Cheyenne,

We have learned that the City of Buffalo entered into a Triage Agreement with the Police Benevolent Association ("PBA") that impacts the BPD Commissioner's power and ability to supervise and discipline officers. This document has never been produced to us, which is frankly disturbing as it is directly relevant to our claims and directly responsive to our discovery requests. Please immediately produce the Triage Agreement and any applicable amendments, extensions and revisions. In particular, please produce all documents that establish whether the Triage Agreement is still in effect today.

Are there any other agreements between the City and the PBA that impact officer supervision, investigation, discipline and training that the City has withheld? If so, please produce them immediately.

In addition, in light of Mayor Brown and Commissioner Gramaglia's recent deposition testimony regarding the Collective Bargaining Agreement, we request all of the City of Buffalo's proposals and counterproposals related to its authority to supervise, monitor, train, investigate, and discipline BPD officers; the PBA's response to such proposals; and the final resolution. Please include all such documents from 2019 to the present, and be sure to include all documents related to the body worn camera policy, performance evaluations of officers, and all other proposals relevant to training, supervision, and discipline.

Finally, we request your consent for one additional nonparty deposition--a 30(b)(6) representative of the Buffalo Police Benevolent Association. If you refuse consent, we intend to seek leave from the court to take this deposition.

Claudia Wilner (she/her)



Director of Litigation and Advocacy

National Center for Law and Economic Justice

50 Broadway, Suite 1500, New York, NY 10004-3821

212-633-6967 | wilner@nclej.org | www.nclej.org



Confidentiality Note: This e-mail (including attachments) is intended only for the addressee and may contain information that is privileged and/or confidential. Distribution or copying of this e-mail or its attachments by anyone other than the intended recipient is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at 212-633-6967 or e-mail at info@nclej.org and destroy the original message and all copies.

This message may contain confidential information that is protected by the attorney-client privilege or otherwise. If you are not the intended recipient, you are notified that any disclosure, copying, or use of the contents of this message is strictly prohibited. If this message has been received by you in error, please notify the sender immediately by e-mail and delete the original message. Thank you.